

NOTICE AND AGENDA

REGULAR MEETING – TUESDAY, MARCH 9, 2010

CITY HALL – 500 CASTRO STREET

5:30 P.M.—CLOSED SESSION

6:30 P.M.—REGULAR SESSION

5:30 P.M.—CLOSED SESSION (TO BE HELD IN THE PLAZA CONFERENCE ROOM)

1. CLOSED SESSION ANNOUNCEMENT (OPEN SESSION)

2. CLOSED SESSION

2.1 Conference with Real Property Negotiators (§54956.8)—Property: Michaels at Shoreline restaurant, Shoreline Golf Links, 2960 North Shoreline Boulevard (APN 015-36-025)—Agency Negotiator: Jannie L. Quinn, Acting City Attorney—Negotiating Parties: City of Mountain View and Ted Faravelli—Under Negotiation: Price and Terms of Lease Payment

6:30 P.M.—REGULAR SESSION (TO BE HELD IN THE COUNCIL CHAMBERS)

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE

2. ROLL CALL—Councilmembers Abe-Koga, Inks, Kasperzak, Macias, Means, Vice Mayor Siegel and Mayor Bryant.

3. PRESENTATIONS

3.1 Bill of Rights for Children and Youth to be accepted by Dana Burnett, Executive Director of Kids in Common.

4. CONSENT CALENDAR

These items will be approved by one motion by roll call vote unless any member of the Council or audience wishes to remove an item for discussion. The reading of the full text of ordinances and resolutions will be waived unless a Councilmember requests otherwise.

4.1 APPROVAL OF MINUTES—Approve minutes for the City Council Special Meetings of December 8, 2009 and January 5, 2010.

4.2 Ordinance No. ____—ADOPT AN ORDINANCE IMPOSING A BAN ON ESTABLISHMENT, MAINTENANCE AND OPERATION OF MEDICAL MARIJUANA DISPENSARIES (SECOND READING)—Adopt AN ORDINANCE OF THE CITY OF MOUNTAIN VIEW ADDING ARTICLE IV TO CHAPTER 9 OF THE MOUNTAIN VIEW CITY CODE REGARDING REGULATION OF MEDICAL MARIJUANA DISPENSARIES, imposing a ban on establishment, maintenance and operation of medical marijuana dispensaries pending further studies of adverse secondary impacts and formulation of a policy for regulation of such dispensaries. (First reading: 4-2; Means, Inks no; Kasperzak absent)

4.3 Ordinance No. ____—ADOPT AN ORDINANCE FOR A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MOUNTAIN VIEW AND EMPB 455 LLC (SECOND READING)—Adopt AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MOUNTAIN VIEW AND EMPB 455 LLC, A CALIFORNIA LIMITED LIABILITY COMPANY FOR THE PROPERTY AT 575 EAST MIDDLEFIELD ROAD. (First reading: 6-0, Kasperzak absent)

4.4 Resolution No. ____—STREET CLOSURE, SOUND AMPLIFICATION AND FESTIVAL AREA DESIGNATION FOR THE 32ND ANNUAL DOWNTOWN PARADE

1. Adopt A RESOLUTION TO APPROVE THE CLOSURE OF CERTAIN STREETS IN THE DOWNTOWN AREA ON SATURDAY, APRIL 24, 2010, FROM 7:00 A.M. TO 2:00 P.M., FOR THE 32ND ANNUAL DOWNTOWN PARADE, to be read in title only, further reading waived.
2. Approve the operation of a sound amplification device by the applicant between 11:00 a.m. and 4:00 p.m. within the festival area, under conditions as specified.
3. Approve a festival area designation for the area of street closure and Pioneer Park.

4.5 Resolution No. _____—STREET CLOSURE, SOUND AMPLIFICATION, FESTIVAL AREA DESIGNATION AND ANIMAL BAN FOR A LA CARTE AND ART IN MOUNTAIN VIEW

1. Adopt A RESOLUTION APPROVING THE CLOSURE OF CERTAIN STREETS IN THE DOWNTOWN AREA FROM 2:00 A.M., SATURDAY, MAY 15, 2010, TO 10:00 P.M., SUNDAY, MAY 16, 2010, FOR THE A LA CARTE AND ART FESTIVAL IN MOUNTAIN VIEW, to be read in title only, further reading waived.
2. Approve the operation of a sound amplification device by the applicant between 9:00 a.m. and 6:00 p.m. on Saturday, May 15, 2010, and Sunday, May 16, 2010, within the festival area, under conditions as specified.
3. Approve a festival area designation for the area of the street closure.
4. Approve an animal ban as requested by the applicant within the festival area designation.

4.6 MOFFETT GATEWAY PROPERTY SITE SECURITY AND CORRECTIVE ACTION, PROJECT 10-47—APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE BIDDING—Approve plans and specifications for Moffett Gateway Property Site Security and Corrective Action, Project 10-47, and authorize staff to advertise the project for bids.

4.7 SET PUBLIC HEARING DATE FOR CONSIDERATION OF THE 455 WEST EVELYN AVENUE PROJECT—Set date for a public hearing on March 23, 2010 for consideration of a General Plan amendment, Precise Plan amendments, Planned Community Permit, Development Review Permit, Heritage Tree Removal Permit, Initial Study and Draft Mitigated Negative Declaration for a new residential development located at 455 West Evelyn Avenue.

4.8 AUTHORIZATION TO ENTER INTO A CONTRACT FOR ART FOR FIRE STATION NO. 5—Authorize the City Manager to enter into an agreement with artists Vadim Goretsky and Margarita Soyfertis for the commission of three bronze sculptural public art pieces entitled, "Semper Vigilandum," which includes a sculpture of three geese in flight, a weather vane and a bell, to be installed at Fire Station No. 5 on Shoreline Boulevard and Crittenden Lane in Mountain View.

4.9 OUTREACH SERVICE GRANT FUNDS

1. Authorize the City Manager to approve receipt of a one-time \$75,000 grant from Google through the Tides Foundation and the

Friends of the Mountain View Library for support of the Library's Outreach Services Program and mobile library services.

2. Appropriate \$75,000 from Google through the Tides Foundation and the Friends of the Library in the Library Services Department with the balance to be carried forward each fiscal year end until spent. (Five votes required)

4.10 Resolution No. ____—SHORELINE BOULEVARD SIDEWALK REPLACEMENT—RESOLUTION FOR FEDERAL JOBS FOR MAIN STREET ACT OF 2010

1. Adopt A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR FEDERAL JOBS FOR MAIN STREET ACT OF 2010 FUNDING AND STATING THE ASSURANCE TO COMPLETE THE PROJECT, to be read in title only, further reading waived.
2. Create a midyear capital improvement project titled, "Shoreline Boulevard Sidewalk Replacement—Federal Aid."
3. Appropriate the amount received in Federal Jobs for Main Street Act of 2010 funds, estimated to be \$850,000, and appropriate and transfer \$305,000 from Shoreline/El Camino Real Sidewalk Replacement, Project 09-37, to Shoreline Boulevard Sidewalk Replacement—Federal Aid. (Five votes required)

4.11 2009-10 STREET RESURFACING PROGRAM AND 2009-10 SLURRY SEAL PROGRAM—APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZE BIDDING

1. Approve plans and specifications for 2009-10 Street Resurfacing Program, Project 10-01, and 2009-10 Slurry Seal Program, Project 10-03, and authorize staff to advertise the project for bids.
2. Authorize the City Manager to award the construction contract to the lowest responsible bidder if the low bid is within the construction budget.

4.12 RENGSTORFF PARK MASTER PLAN, PROJECT 09-24—AUTHORIZE MASTER PLANNING SERVICES AGREEMENT—Authorize the City Manager to execute a professional services agreement with Anderson Brulé Architects, Inc., of San Jose, California, to provide master planning services for the Rengstorff Park Master Plan, Project 09-24, for a total not-to-exceed fee of \$213,990.

5. PUBLIC HEARINGS

5.1 FISCAL YEAR 2010-11 CDBG/HOME CAPITAL PROJECT FUNDING REQUESTS

1. Hear brief presentations from capital project applicants requesting Fiscal Year 2010-11 Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) funds.
2. Provide input to staff regarding any questions or additional material to be provided on the funding requests for the Council's funding decisions on April 13, 2010.

5.2 100-200 WEST EVELYN AVENUE OFFICE PROJECT

1. Adopt the Mitigated Negative Declaration for the 100-200 West Evelyn Avenue Development Project in accordance with the California Environmental Quality Act (CEQA).
2. **Resolution No. ____**—Adopt A RESOLUTION APPROVING PRECISE PLAN AMENDMENTS TO THE P(18) EVELYN AVENUE CORRIDOR PRECISE PLAN—SUPPORT COMMERCIAL AREA—TO INCREASE THE MAXIMUM HEIGHT, NUMBER OF STORIES AND MAXIMUM FLOOR AREA RATIO, to be read in title only, further reading waived.
3. **Resolution No. ____**—Adopt A RESOLUTION CONDITIONALLY APPROVING A PLANNED COMMUNITY PERMIT, DEVELOPMENT REVIEW PERMIT AND HERITAGE TREE REMOVAL PERMIT FOR A THREE-STORY OFFICE BUILDING AND THE REMOVAL OF SIX HERITAGE TREES ON PROPERTY LOCATED AT 100-200 WEST EVELYN AVENUE, to be read in title only, further reading waived.

6. ORAL COMMUNICATIONS FROM THE PUBLIC ON NONAGENDIZED ITEMS

This portion of the meeting is reserved for persons wishing to address the Council on any matter not on the agenda. Speakers are allowed to speak on any number of topics for one three-minute period during the meeting. State law prohibits the Council from acting on nonagenda items.

RECESS

7. NEW BUSINESS

7.1 SANTA CLARA VALLEY WATER DISTRICT PERMANENTE CREEK FLOOD PROTECTION PROJECT—McKELVEY PARK CONCEPT APPROVAL

Approve the Parks and Recreation Commission recommendation approving the concept of allowing the Santa Clara Valley Water District (Water District) to design and construct improvements at McKelvey Park, including a flood detention basin and ball fields, subject to approval of a Memorandum of Understanding (MOU) and maintenance agreement between the Water District and the City.

7.2 ADOPT GOVERNMENT OPERATIONS GREENHOUSE GAS INVENTORY AND EMISSIONS REDUCTION TARGETS

Approve the Council Environmental Sustainability Committee (CESC) recommendation to adopt the following government operations greenhouse gas (GHG) emissions reduction targets:

- 15 percent below 2005 levels by 2010;
- 20 percent below 2005 levels by 2015;
- 25 percent below 2005 levels by 2020; and
- 80 percent below 2005 levels by 2050.

8. COUNCIL, STAFF/COMMITTEE REPORTS

No action will be taken on any questions raised by the Council at this time.

9. CLOSED SESSION REPORT (OPEN SESSION)

10. ADJOURNMENT

The next Regular Council Meeting will be held on Tuesday, March 23, 2010, at 6:30 p.m. in the Council Chambers, 500 Castro Street.

NOTICE

There is a 90-day limit for the filing of a challenge in Superior Court to certain City administrative decisions and orders which require a hearing by law, the receipt of evidence and the exercise of discretion. The 90-day limit begins on the date the decision is final (Code of Civil Procedure Section 1094.6). Further, if you challenge an action taken by the City Council in court, you may be limited, by California law, including but not limited to Government Code Section 65009, to raising only those issues you or someone else raised in the public hearing, or in written correspondence delivered to the City Council prior to or at the public hearing. The City Council may be requested to reconsider a decision if the request is made prior to the next City Council meeting, regardless of whether it is a regular or special meeting. For information on the next regular or special City Council meeting, please call (650) 903-6304.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection in the City Clerk's Office, 500 Castro Street, Third Floor, during normal business hours and at the Council Chambers at City Hall, Second Floor, during the meeting. In addition, such writings and documents will be posted on the City's web site at www.mountainview.gov.

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COUNCIL MEETINGS AND AGENDA

- The City Council meets regularly on the second and fourth Tuesday of each month at 6:30 p.m. in the Council Chambers at City Hall, 500 Castro Street, Second Floor. Special meetings are called as necessary by the Mayor and noticed at least 24 hours in advance.
- Interested parties may review the agenda, minutes and staff reports at the Mountain View Library, 585 Franklin Street, beginning the Thursday evening before each meeting and at the City Clerk's Office, 500 Castro Street, Third Floor, beginning Friday morning. Agenda materials may also be viewed electronically at www.mountainview.gov. Staff reports are also available at the Council Chambers during the meeting.
- SPECIAL NOTICE—Reference: Americans with Disabilities Act, 1990. Anyone who is planning to attend the next City Council meeting who is visually or hearing-impaired or has any disability that needs special assistance should call the City Clerk's Office at 903-6304 48 hours in advance of the Council meeting to arrange for assistance. Upon request, in advance, by a person with a disability, City Council meeting agendas and writings distributed during the meeting that are public records will be made available in the appropriate alternative format. Also upon request, in advance, an assistive listening device can be made available for use during the meeting.
- The Council meetings are cablecast live on Channel 26 on the Mountain View Comcast cable system and are replayed on Wednesday at 6:30 p.m. and on Saturday at 11:00 a.m. following that week's Council meeting. If there is a live Environmental Planning Commission meeting on a Wednesday, the replay of the City Council meeting will be on a Thursday at 6:30 p.m. In addition, Council Regular meetings are webcasted, and interested persons may visit the City's web site at www.mountainview.gov to watch the meetings live on their computer, laptop or PDA device. Archived broadcasts of previous meetings may also be accessed and watched on-line.
- The Council may take action on any matter noticed herein, and their consideration and action on the matters noticed herein is not limited by the recommendations indicated in the Agenda or staff report(s). The Council may consider and act on items listed on the agenda in any order and thus all those interested in an item listed on the agenda are advised to be present throughout the meeting (see Policy and Procedure A-13). The reading of the full text of ordinances and resolutions will be waived unless a Councilmember requests otherwise.
- By policy, no new items of business will be started after 10:00 p.m., unless an exception is made by vote of the Council.
- The City Council meeting discs are made solely for the purpose of facilitating the preparation of the minutes of the meetings. The discs are available for members of the public to listen to during regular office hours in the City Clerk's Office and are recycled as necessary.

ADDRESSING THE COUNCIL

- Interested persons are entitled to speak on any action item listed on the agenda and are requested to fill out the blue cards available at the rear of the Council Chambers and deposit them with the clerk or at the podium as soon as completed. This will assure that your name and city of residence are accurately recorded in the minutes and that your interest in speaking is recognized. If you wish to speak and are not recognized by the Mayor, please approach the podium prior to completion of discussion on the item. Speakers are allowed up to three minutes each, and if a large group wishes to express its views, it is more effective to have one spokesperson.
- Items on the "Consent Calendar" are not discussed individually but are approved as a group with one motion. If a citizen wishes to speak on an item on the Consent Calendar, he or she may come to the podium at the time announced by the Mayor and request that the item be pulled for discussion by the Council.
- Anyone wishing to address the Council on a nonagenda item may do so during the "Oral Communications" part of the agenda. Speakers are allowed to speak one time on any number of topics for up to three minutes.
- Reducing Time For Public Input: For any single agenda item and for Oral Communications from the Public, if there appears to be 15 or more speakers and the Council might not be able to conclude the scheduled agenda items for the meeting if speakers were allotted three (3) minutes each, the Mayor may reduce speaking time to no less than two (2) minutes per speaker unless there is an objection from Council, in which case majority vote shall decide the issue without debate.